

TESTIMONY OF KIMM A. KORBER

Thank you Senator Grassley and the other members of the committee for the opportunity to speak today. The subject of nursing home care is complicated, the issues are many, and affected parties will be found at every turn. The challenge of sorting these matters out is enormous and I want to commend the Clinton Administration and in particular, this committee's members, for making the commitment and taking the initiatives necessary to improve the quality of care provided to nursing home residents. I think a foundation has been laid at the national level to make substantive changes in what acceptable, quality nursing home care will come to mean for this country. The story I am about to share with you supports the contention that more work needs to be done to impact what is happening at the level where state agencies and nursing home facilities interact over matters of compliance and enforcement.

My name is Kimm Korber and I am here today on behalf of my mother, Bettie Jane Korber, who is a nursing home resident. At the outset, let me say it would be comforting to believe that nursing homes can be perfect, but I know they simply never will be. At the same time I also firmly believe nursing home residents and their families deserve and should expect no less than reasonable treatment and consideration from the nursing home industry and those agencies chartered to monitor the industry.

My mother suffered a debilitating stroke in 1990 and has been a nursing home resident since that time. After being released from the hospital, Bettie was admitted to a Beverly Enterprise nursing home in Murrysville, Pennsylvania and since her admission, there have been many issues regarding the consistency of her care, the quality of her life, and communications with the facility's administration. Understanding the purpose of this forum today, I will only focus on events occurring during the last eighteen (18) months. Let me share with the members of this forum a partial summary of those events:

- In less than twelve months, Bettie's right leg was fractured twice while in the care of Beverly's staff. The second fracture occurred after commitments made by the Beverly staff to take preventative measures to insure against additional fractures were not applied.
- Despite knowing that Bettie was diabetic, a deep ulcerated bed sore was allowed to develop on the heel of her right foot. The tissue on her heel remains deformed to this day.
- Bettie had been left to sit in cold excrement and urine for as much as three and a half hours despite an order from her physician that she be checked for incontinence every two hours because her bottom had deteriorated so badly.
- Bettie developed a series of urinary tract infections for which the facility has offered no explanation.
- Another bed sore was allowed to develop on her right leg where her splint had rubbed the skin.

Beginning August 1998 and continuing into May 1999, I attempted to resolve these and other concerns with the facility's Executive Director and Director of Nursing Services. My inquiries and requests for information were deflected, ignored, or answered in the most general or evasive terms. In February 1999, the Executive Director had written me a letter indicating that I was "not and never will be satisfied with the care provided" to my mother at Beverly Healthcare-Murrysville and then made clear that the facility was willing to assist in finding "somewhere" else for my mother to go. What reasonable person would have been satisfied with the "care" my mother had been suffering through? How many broken bones are acceptable in less than 12 months time? These are some of the questions the Executive Director and others at Beverly Enterprises have avoided answering.

Since I was unable to resolve concerns about my mother's care by contacting the Executive Director or Director of Nursing Services, I reached out beyond the facility and contacted among others in May 1999 the Pennsylvania Department of Health and Boyd Hendrickson, President and Chief Operating Officer of Beverly Enterprises.

From Mr. Hendrickson I received a four sentence letter stating the organization would investigate the situation, but to date I have heard nothing further. From the Pennsylvania Department of Health, and I want to commend them for taking an interest in Bettie's case, a surprise survey of the facility was done in June 1999. From this survey a number of deficiencies were identified, including a finding that Beverly's staff had not affirmatively investigated or developed interventions to resolve the concerns I addressed.

In response to the survey's findings, the facility's administrators prepared a plan of correction for each cited area. Not surprisingly, this plan was couched in terms stating that the preparation and/or execution of the plan was in no way an admission or agreement that the allegations or citations were factual. Further, it was clearly stated the plan of correction was prepared solely because it was required by the provision of Federal and State laws.

While Beverly's legal posturing is apparent in their plan of corrections, given what my mother factually suffered through, I was and still am at a loss to see even a scintilla of concern expressed for human dignity or injury in their response. My mother is 74 years old and does have certain medical conditions unrelated to her residency in a nursing home; however, Beverly's response ignores any acceptance or acknowledgement that their actions or lack of actions contributed in any way to my mother's injuries. Bettie certainly did not injure herself and these injuries could have been prevented.

One of the outfalls of the survey was Beverly's preparation of a Care Plan. It is an 18-page document and on the surface it appears to be rather substantial until you examine it closely and recognize that a great deal of what the facility says it will do as a part of this plan is not routinely documented. Therefore, based on the facility's documentation, it will be difficult at best for any survey agency to verify compliance to the care plan and even with a surprise inspection, agency representatives would largely be limited to direct observation to validate that procedures - at least on the day they were present - are being followed.

Rather than debate what the facility committed to do on paper, I think it would be fair to say that a much better test of the facility's integrity and commitment to improved outcomes would be what has happened to my mother since the care plan was implemented in July/August 1999.

A little over a month later, on September 2, 1999, Bettie was admitted to the hospital with pneumonia, dehydration, and an impacted bowel. Her admission to the hospital came only after a family member had stopped by the facility, recognized that Bettie was in distress, and then prompted Beverly's staff to respond. I am not a medical professional but I can assure you that Bettie didn't suddenly develop pneumonia, or become dehydrated and impacted the day the family member visited.

There are a few other points members of this forum should know. First, the Murrysville facility proudly displays a 1998 Quality Award from the American Health Care Association for providing quality care to their residents. Apparently, broken legs are not recognized as a quality care issue. Second, in May 1999, the Group Vice President responsible for the Murrysville facility sent out a customer survey encouraging responses so that the quality of care provided could be improved. Given the lack of response to the concerns I addressed to the facility about the quality of care provided to my mother, I personally found the Beverly survey to be disingenuous. Third, the Executive Director of the facility I have referenced is

pictured on the front cover of Beverly Enterprises' 1998 Annual Report. Inside the front cover is listed the mission, vision, and values of Beverly Enterprises; an Arkansas headquartered company. I think the events I have described today speak volumes about Beverly's values of integrity, value, passion, and commitment.

I came here today to be Bettie's voice with the hope of bringing some meaning to what she has endured and suffered through. I know that if the situation were reversed, my mother would be here today for me, and so I could not do anything less for her. There is nothing that I, or anyone else, can say or do to change what Bettie has experienced. By sharing her story with you, I hope it prompts the members of this forum to look hard, very hard, at how the care provided in nursing homes is monitored, regulated, and enforced. With a new millenium nearly upon us and along with it millions of Baby Boomers posed to enter their Golden Years, this country will be facing an insurmountable crisis in the care and treatment of our elderly citizens if we don't act responsibly now. Thank you.